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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/577,349

02/26/2007

Luca Balconi

10184.0001

6919

22852

7590

01/28/2009

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER  
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EXAMINER

KANE, JASON MARC

ART UNIT

PAPER NUMBER

4122

MAIL DATE

DELIVERY MODE

01/28/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/577,349	<b>Applicant(s)</b> BALCONI ET AL.	
	<b>Examiner</b> JASON KANE	<b>Art Unit</b> 4122	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 34-66 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 34-66 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 34-51, drawn to a process.

Group II, claim(s) 52-66, drawn to an apparatus.

2. The inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons. The common technical features are as follows:

- A. Bringing a liquid to a predetermined pressure greater than the pressure of a molten mass.
- B. A plurality of storage tanks to which the liquid is fed.
- C. A plurality of injectors, in fluid communication with the plurality of storage tanks, for injecting the liquid into the molten mass.

These common technical features are not special technical features under PCT Rule 13.2 because they are disclosed in the prior art by Belli et al. US 20040091631 further in view of Matthies et al. US Patent 6,220,224.

Belli et al. discloses a process for producing a cable having at least one thermoplastic coating layer (Abstract) where a dielectric liquid is injected into a molten thermoplastic polymer in an extruder (paragraph [0032]). The dielectric liquid is fed into a pump 26 which pumps the liquid via outlet lines 29 to a feed device 90 consisting of three separate injectors (paragraph [0123], [0124]). The presence of a valve 32 on each outlet line 29 ensures that the liquid is fed into the feed device 90 at the correct working pressure (paragraph [0126]).

Belli et al. does not disclose feeding the liquid to a plurality of storage tanks in fluid communication with the injectors.

Matthies et al. discloses a fuel-injection system for an internal combustion engine (Abstract) where fuel is fed from one or more high-pressure pumps 6 to a common inflow pipe 1 from which high pressure lines 2 branch off leading to individual high pressure storage devices 3 from which high pressure lines 4 continue to the fuel injectors 5 (Column 4 lines 26-37). Note that the high pressure storage devices 3 constitute storage tanks. Matthies et al. further discloses the use of high pressure storage devices as advantageously eliminating the need for additional elements such as return valves (Column 2 lines 40-48).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use the storage devices in Matthies et al. in Belli et al.'s process with reasonable expectation that this would result in a liquid injection process that eliminates the need for return valves.

3. A telephone call was made to Ernest Chapman on 1/14/2009 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON KANE whose telephone number is (571)270-7659. The examiner can normally be reached on M-R 6:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on (571)272-1398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 4122

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JASON KANE/  
Examiner, Art Unit 4122

/Milton I. Cano/  
Supervisory Patent Examiner, Art Unit 4122